

LITTLETON SUMS UP FOR HARRY K. THAW

In Clean Straight Address He Asks Jury to Acquit Without Appealing to Their Passions.

LEAVES HARD TASK FOR JEROME

Jury Was Undoubtedly Intensely Interested in the Speech of the Lawyer for the Accused Man—Defends the Girl Wife of the Prisoner—Was Masterful Address.

(By Associated Press.) NEW YORK, Jan. 29.—Martin W. Littleton, chief counsel in the defense of Harry K. Thaw, today asked for the acquittal of his client on the ground of insanity. He could not see how, in the face of the evidence, the jury could render any other verdict. The serious and sincere evidence of the defense tending to establish the insanity of the defendant, Mr. Littleton declared, has been answered only by the sneers and insinuations of District Attorney Jerome.

The sneers and insinuations, the young Pittsburger's advocate asserted, were not competent proof.

He repeatedly urged upon the jury to remember that in a case of this kind the burden of proof rests wholly upon the state to prove the sanity of the defendant beyond all reasonable doubt.

Mr. Littleton warmly defended Evelyn Nesbit Thaw against the attacks of District Attorney Jerome. He said he could not understand what she had done, what great crime she had committed, considered in the light of all she had confessed herself to be, that the prosecutor should transcend all rules of propriety and decency and attempt to destroy her when in the next breath he was ready to "coddle and hug and vouch for the testimony of such a scoundrel as Abraham Hummel—the very vermin of the New York bar."

The address of the defending attorney took up all of today's session and District Attorney Jerome is expected to reply tomorrow. If he should finish at the morning session Justice Dowling will charge the jury during the afternoon.

If Mr. Jerome's address should extend well into the afternoon, however, the case will not go to the jury until Friday morning.

Mr. Littleton urged today that there should be no compromise. He asserted that if any doubt exists in the minds of the jurors they should decide in favor of the defendant and acquit him. He begged them not to be misled by the district attorney into voting for a verdict of conviction in some lesser degree than that of primary murder. Any verdict of not guilty in the case will carry with it the assumption that is was rendered on the ground of insanity of the defendant, whether or not the insanity clause is added.

The plea of not guilty entered in the case carried with it the specification that the defendant was insane at the time the crime was committed.

Did Not Appeal to Passions of Jury. Mr. Littleton's argument was forceful and impressive. He refrained from appealing to the passions of the jury-men and devoted himself to a logical consideration of the facts as adduced in evidence. He made no attempt to excite Harry Thaw and he said that he asked for him no more consideration than the average American born had a right to demand of the average American jury. The speech was crisp with epigrams and the short sentences were filled with the pith of logic and the quality of appeal. The jury-men followed it with intense interest and it was generally conceded that Mr. Littleton had left District Attorney Jerome a difficult task.

Any One of Six Verdicts Possible. The jury can bring in any one of six verdicts, as follows: First degree murder, penalty, death in the electric chair; second degree murder, penalty, life imprisonment; manslaughter, first degree penalty, 20 years in prison. Any minor degree of manslaughter down to simple assault. Not guilty on the ground of insanity. This verdict carries the responsibility of committing the accused to an insane asylum. If this verdict is brought in and Thaw is sent to an asylum, Littleton will move for the appointment of a commission to examine into Thaw's present condition of mind. As a basis

for this appeal to the courts Littleton has the finding of the commission appointed at the last trial which said that Thaw was sane.

Defense Expects "Not Guilty" Verdict. The defense expects a verdict of not guilty on the ground of insanity. It will be remembered that all evidence introduced to show Thaw's mental incompetency did not go beyond the tragedy. It stopped with the day on which Stanford White met his death.

Mr. Littleton Sums Up.

It was 10:50 a. m. when Mr. Littleton began his summing up. In the "Thaw row" were Mrs. William Thaw, M. S. George, Lauder Cargone, Mrs. Evelyn Thaw and Josiah Thaw. Getting down to the case, Mr. Littleton said: "The defendant stands charged with murder in the first degree. The law allowed him and he availed himself of a plea of not guilty because of insanity.

"The law puts upon the people the burden of establishing the charge they make against a citizen of the state. The burden must be sustained by the people throughout the whole trial.

"This defendant comes to the bar charged with murder in the first degree, but you may not indulge any presumption that he is guilty because he stands indicted.

Burden Not on Defense. "The burden of establishing the innocence of this defendant is not on us. That sort of justice does not belong to our country, thank God. It belongs to other countries, but not to ours.

"The accusation in this case must be sustained beyond a reasonable doubt. In this case the defendant is presumed to be innocent of the charge—not that he did not take the life of Stanford White—but innocent of the premeditation and malice which would make his crime one of murder in the first degree.

"Where insanity is pleaded as a defense, and evidence offered to show that the defendant was of unsound mind, the defense does not have to prove that fact beyond a reasonable doubt. We were not bound to establish the unsoundness of the man's mind.

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BANKS TO CLOSE DOORS

Two New York Financial Institutions to Go Out of Business.

THEY WERE BOTH MORSE CONCERNS

Bank of North America Going Into the Hands of Receivers Caused Rumors of the Unsatisfactory Conditions of the Other Institutions.

(By Associated Press.) NEW YORK, Jan. 29.—The New Amsterdam National Bank capitalized at \$1,000,000 and situated at the corner of Broadway and Thirty-ninth street was closed by the order of the controller of the currency today and National Bank Examiner Charles A. Hanna was placed in charge. The institution's liabilities are placed at \$1,482,016 of which \$2,965,272.49 are due depositors.

The bank officers assert that not only will every depositor be paid in full but the stockholders will receive a substantial dividend.

The New Amsterdam National was formerly one of the chief banks in the chain of banks established by Charles W. Morse, President Frank W. Kinsman, Jr., declared in a statement issued tonight that "the closing of the National Bank of North America attracting renewed attention to the interests which has previously dominated both institutions in their past relations started fresh reports of an exaggerated and sensational nature which necessitated the liquidation of the bank."

About a year ago the New Amsterdam National underwent a reorganization because of a falling off in its business and Frank W. Kinsman, Jr., was elected president. Every effort was made to rehabilitate the institution. The recent panic was not without its effect although it had weathered the storm and succeeded in reducing its clearing house certificates from \$1,705,000 to \$300,000.

Another Bank Goes Under. President D. A. Sullivan, of the Mechanics and Traders Bank, announced shortly before midnight tonight that the institution would not open its doors tomorrow.

The decision was reached at a meeting of the board of directors tonight lasting four hours. In a statement issued after the meeting the directors declared the bank is solvent but the state of the cash resources made it appear inadvisable for the bank to continue business.

NEW CHARGES AGAINST RHEA STILL BOLDER

Senator Noel Responds to Investigating Committee's Request for More Definite Allegations.

NOEL GROWS SPECIFIC AT INQUIRY

Judge Rhea Faces Accusation of Being Considered an "Unscrupulous Politician—Counsel Insists Charges Are Still Too General—'Unwritten Politician'—Counsel Insists Charges Law' to be Made Law.

(Special To The Daily Press.) RICHMOND, VA., Jan. 29.—Senator Noel presented the following hastily prepared charges against Judge Rhea today, in compliance with a resolution framed by the committee sitting in secret:

Richmond, Va., Jan. 29, 1908. To the Joint Committee on Confirmation:

"Gentlemen—Pursuant to the resolution of the committee requiring that I shall make more specific the charges which I have preferred against W. F. Rhea in objection to the confirmation of his nomination to the state corporation commission, I respectfully state that I object to such confirmation on the following grounds:

"1. In the year 1889 or 1890 a movement was inaugurated to establish a corporation for the town of Bristol, Va. Judge Rhea was at the head of this movement. Under the law, such a corporation could not be established unless there was as many as 5,000 inhabitants in the town. Provision was made for taking the census of Bristol. Judge Rhea had charge of the taking of said census. The said census was fraudulently taken, and resulted in the report that there were more than 5,000 inhabitants in Bristol, and a Corporation Court was established for Bristol, and W. F. Rhea was elected judge thereof.

"I charge that there were not more than 2,965 inhabitants, as was shown by the United States census of 1890, and that Judge Rhea well knew at that time that the census first above referred to was taken that there were not anything like as many as five thousand inhabitants in Bristol, and was a party to the fraudulent taking thereof, or at least knew that the same had been taken fraudulently, but he nevertheless, accepted the benefit thereof, and accepted the judgeship of the said court, which was established pursuant to said fraudulent census.

"2. I charge that on the trial of the case of the Commonwealth vs. Jordan, Judge Rhea delivered a very remarkable decision, which resulted in setting said Jordan free; that said decision created a storm of indignation and criticism, and many people at the time believed and charged that said decision had been procured by bribery; I do not pretend to say, and I do not contend, that these charges were justifiable, but I insist that a judge alone whom such charges have been made, is unfit for a position on the state corporation commission.

"3. I charge that in the races for Congress between Judge Rhea and General James A. Walker, in 1898 and 1900, the Democratic party in the Ninth District of Virginia was guilty of numerous election frauds which increased the vote of Judge Rhea and decreased the vote of General Walker; that Judge Rhea aided, abetted and encouraged some of these frauds and knew of many others; that he accepted the benefit of said frauds and accepted his seat in Congress in both the said elections, well knowing that the frauds referred to were of such a nature as to show that anyone who participated in them, or knowingly accepted the benefits thereof, is unfit for the high position to which Judge Rhea aspires, and I further charge that whether this be true or not, it is the opinion and belief of numerous persons throughout the Ninth District that the matters above referred to do render him unfit for said position, and this alone should be sufficient to prevent his confirmation.

"4. I charge further, that in the race for Congress between Judge Rhea and Colonel C. Slom, in 1902, the unofficial reports, which, on the night of the election and the day after the election, were received at the headquarters of both political parties, showed that Colonel Slom had been elected by a small majority—twice as many; that thereupon a concerted movement was inaugurated by Judge Rhea and some of his followers to change this result; that in Scott county the certificates of the judges of election were mutilated and forged.

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COMPROMISE GIVES MUCH TO HEIRS OF E. W. JAMES

They Take Portions of the Estate Bequests Rather Than Run Risks.

(By Associated Press.) NORFOLK, Jan. 29.—A full compromise has been effected with the contesting heirs of E. W. James, who left \$250,000 of his \$300,000 estate to the University of Virginia, with the income on one-half of this to the Soldiers' Home in Richmond for 15 years, and the estate will be settled at once.

William E. Thompson and Miss Virginia Thompson, paternal cousins of the testatrix, who were cut off completely, will receive \$2,500 each; Mrs. Elizabeth Wood, Mrs. Mary Douglas and Mrs. Marion West, maternal cousins, will receive \$1,000 each, while H. Hunter Rogers, another relative, receives \$666.

All other provisions of the will are to be carried out except that Mrs. Bernard McClellan of Bluefield, W. Va., who was left \$20,000 in "Virginia century bonds," when there were no such bonds found, compromises at \$12,500.

This will contest was decided adversely to the heirs in the lower court here, and rather than run the risk of loss in the Supreme Court, they compromised.

ROBBERS MADE BOLD MOVE IN EXPRESS OFFICE

Express Robber's Caught With \$3,000, Overlooked \$40,000 Package of Currency.

(By Associated Press.) MANSFIELD, O., Jan. 29.—Carrying \$3,000 in gold bars, two men, giving their names as John McCue and Joseph Stevens, were taken from a Big Four train at New London today. They are charged with stealing the money from the Adams' express office here at midnight. Earl McCullough has been arrested as a confederate.

Two men entered the express office as McCullough and William Dewey, clerks, were working on the packages, just brought by an express train. One struck Dewey with a bill. The other McCullough declared, covered him with a revolver. The robbery, who had used the bill, then went on the safe, where he secured a bag containing \$3,000 in gold, removing a package containing \$40,000 to reach the bag. Evidently he did not know the bigger package contained currency. Bloodhounds were put in pursuit. The men arrested at New London said they had left Mansfield on a Baltimore & Ohio train, had dismounted and hired a farmer to drive them to Galion, whence they boarded a Big Four train, on which they were apprehended.

FRANK CAUTHORN SAYS HE WANTS TO BE HANGED

Tried to Get Woman to Run Away With Him—In Ill Health.

ROANOKE, VA., Jan. 29.—Frank Cauthorn, who shot and killed Mrs. Ada Jones at Christiansburg, because he loved her and could not bear to think of her as another man's wife, today refused to employ an attorney to defend him, declared that if the attorney and the jury did their duty they would hang him. He vigorously asserted his desire to be hanged for his crime.

Cauthorn was brought here hurriedly yesterday morning before daylight to prevent a threatened lynching at Christiansburg, where he was in jail. In an interview here today, when told that he needed an attorney to defend him, he replied:

"I don't think I do. I do not want anything but hanging, and a lawyer cannot help me. I have told them all about it in Christiansburg. I have nothing to conceal. If the attorney and the jury do their duty they will hang me.

"I would prefer hanging to imprisonment, as I am in delicate health and would not live to come out. I do not want to be free, as no one would think anything of me after I was acquitted. I thought it over for a long time, and made up my mind. I am not going to let myself be killed by a lawyer's trick."

Cauthorn says he made several proposals to Mrs. Jones to run away with him, but she rejected his advances. Cauthorn is not yet 21 years old, and is an inveterate cigarette smoker.

Issues Warrant for Vassar Girl. LYNCHBURG, VA., Jan. 29.—After a trial of a disorderly case in the police court today, Mayor Smith issued bench warrants against Kathleen Vassar, while, charging her with operating a house of ill-fame and selling liquor where license.

Agnes Terry, colored, was also arrested on a bench warrant, charging her with running a house used for immoral purposes. The case went over until Friday.

OCCUPATION OF CUBA HAS COST MILLIONS

Consideration of the Urgent Deficiency Bill Brings Out Some Interesting Statements.

ISLAND HAS \$15,000,000 IN HAND

Congressman Clayton Wants to Know Why the United States Government Should Not be Reimbursed, But Nobody Seemed Able to Answer the Question—Fleet's Coal Bill.

(By Associated Press.) WASHINGTON, D. C., Jan. 29.—At the outset of consideration of the urgent deficiency bill in the House today, the provision appropriating \$10,000 for the expenses of the signal service of the Army of Cuban Pacification, was questioned by Mr. Clayton of Alabama. He inquired of Chairman Tawney what had been the cost to the United States of its occupation of the island, which elicited the response that it was about \$4,000,000.

Further inquiries developed the fact that there was at this time in the Cuban treasury about \$15,000,000, and Mr. Clayton wanted to know why it was now proposed that the United States government should pay the bill.

Mr. Tawney said he had addressed a letter to the war department asking for an explanation. Notwithstanding the opposition aroused by the provision it was allowed to stand.

Upon the assertion of Mr. Hull of Iowa, chairman of the committee on military affairs, that so great an appropriation was not needed, the House on his motion, reduced to the extent of \$300,000 the proposed appropriation of \$716,000 for clothing and camp and garrison equipment for the army.

The \$1,000,000 appropriation for coal for the battleship fleet furnished material for an attack by Mr. Littlefield of Maine, upon the legality of the expenditure. He declared that under the act of 1877, which he said was still in force, the coal which had been shipped in foreign bottoms, should have been seized and sold.

"Will the gentleman suggest how this administration can carry out its policies without violating the law?" inquired Mr. Fitzgerald of Mr. Littlefield.

"That is a thing that is not up to me," replied Mr. Littlefield, who then launched upon a plea for an American merchant marine.

The government, he said, at the cost of many millions had created a naval fleet, and yet that fleet was without power to support itself, except within the radius of its operations.

An assertion by Mr. Littlefield that "a distinguished Democratic senator" had talked the ship subsidy bill to death, prompted a query by Mr. Fitzgerald as to why the Republicans, who had been in uninterrupted power for 11 years, had failed to remedy the conditions.

Uncle Sam Got a Gold Brick.

The real purpose of sending the fleet to the Pacific was questioned by Mr. Johnson of South Carolina, who said whatever the object it caused a million dollar deficiency, and would cause other deficiencies. He attacked the purchase of coal lands in the Philippines, and declared that "somebody got the money and we got a gold brick."

The people, he insisted, had been "buncoed" in that transaction, claiming that the cost of transporting coal for the fleet from the Atlantic to the Pacific in foreign bottoms were exorbitant.

Mr. Sherley said it was a disgrace to America that there are not sufficient American ships to supply ample coalfish, and he charged the Republicans with having built a tariff wall so high that a merchant marine could not live.

An amendment by Mr. Sherwood of Ohio, in behalf of Union soldiers and providing for the payment of pensions at the rate of \$1 a day to all such who served 18 months between April 29, 1861, and July 15, 1866, and who were honorably discharged, was ruled out on a point of order.

ROASTED TO DEATH.

Aged Lady in Suffolk Comes to a Horrible End. SUFFOLK, VA., Jan. 29.—Closed in a room whose room she could not open, Mrs. Mary A. Duke, aged sev-

enty-six, wife of Chas. C. Duke, was literally roasted to death shortly before six o'clock this evening. She and her husband were on the second floor of the house of their daughter, Mrs. Preston L. Rawles, when her dress caught from a stove. She was overcome before being able to open the door and her husband, who is nearly blind, was unable to force it.

When neighbors who were attracted by her screams arrived, Mrs. Duke was dying, and Mr. Duke was seriously scorched and nearly suffocated. Three sons and three daughters survive her.

WANTS FORTRESS BETWEEN THE CAPES CONSTRUCTED

Delegate Houston Introduces Resolution Asking Virginia Legislation to Support Project.

(Special To The Daily Press.) RICHMOND, VA., Jan. 29.—A resolution of importance was introduced in the House this morning by Delegate Houston of Hampton. The resolution urges the members of Congress from Virginia to press the measure now pending before Congress, which provides for the establishment of a fortress in the "Middle Grounds" midway between Cape Charles and Henry, at an expense of \$10,000,000.

Half of this amount is needed for the establishment of the base of the fortress and the remainder for the fortification and equipment. It has been determined by a specially appointed national defense board that this fortress is absolutely necessary.

Colonel Bryan in Roanoke.

(By Associated Press.) ROANOKE, VA., Jan. 29.—William Jennings Bryan spent today with his daughter at Hollins Institute near Roanoke. Tonight he returned to this city and addressed a large audience in Assembly Hall, speaking on politics.

INSANITY BURKE'S PLEA

Stated That Whiskey Delirium the Reason of Richmond Man.

HARD BOOZE FIGHTER FOR YEARS

Testimony to be Brought Out That He Had Made Arrangements for His Own Funeral—Will He Made to be Exhibited in Court.

(Special To The Daily Press.) RICHMOND, VA., Jan. 29.—The trial of Frank P. Burke, charged with the embezzlement of funds from the postal department, by which department he was employed in this city, is nearing its end. All the evidence for the prosecution is now in, and the defense will conclude its testimony tomorrow. There is now no doubt but that the defense will depend on the insanity plea, coupled with alcoholism.

It was shown by witnesses today that Burke had been almost continually under the influence of liquor for several years. It was stated today that sensational testimony will be introduced by the defense to show that the accused a few years ago went to the extent of completing his own funeral arrangements and selecting his pall bearers. It is also stated that the will of the accused was revised at this period and that this document will be exhibited in court.

This procedure, it is said, will be adopted for the purpose of illustrating the acutely morbid state of the mentality of Burke, with a view of establishing his insanity.

New Rate in North Carolina.

(By Associated Press.) RALEIGH, N. C., Jan. 29.—The Senate tonight by a vote of 25 to 21 passed the bill making the railroad passenger rate in this state 2½ cents to go into effect the first of April with a provision that after the tenth of January 1909 the corporation commission may increase or decrease the rate as it may be found confiscatory or excessive.

Ford to Fight for His Children.

(By Associated Press.) TAMPA, FLA., Jan. 29.—Attorney Faldman of New York, arrived today to represent Clifford A. Ford of Buffalo, in the fight to regain his children from the custody of his wife and her father, M. C. Crawford of Olean, N. Y., who figured in the alleged attempt at kidnapping yesterday.

CORTEYOU PUTS IN HIS DEFENSE OF ISSUE

Secretary of Treasury Seeds Long Delayed Statement to the United States Senate.

SAYS HE FEARED SPECULATORS

Secretary of the Treasury Explains to the Senate Why National Banks Canal Bond Issue Avoided Withdrawals From Banks.

(By Associated Press.) WASHINGTON, D. C., Jan. 29.—Secretary Corteuou's reply to the Senate resolution asking upon him for a statement covering the action of his department previous to and during the recent financial crisis, was presented to the Senate today. The secretary first summarizes the operations of the treasury for the past few months, and follows with a detailed statement of the methods and reasons for some of the steps taken.

"While the action of the department," he says, "in placing large sums in national banks in New York, was subjected to some criticism, it was amply justified by the conditions as they then existed, and as they have been disclosed in the light of subsequent events. The fact that the national banks were exerting themselves to increase circulation, and that the secretary by these new issues placed at their command a means of doing so, undoubtedly had a moral effect which tended to check the panic and reduce the premium on currency.

"With a view to relieving this situation and contracting the premium on currency, which was itself a stimulus to hoarding, and which practically interrupted exchanges between different cities, it was decided on November 17th, to receive applications for subscriptions for 50,000,000 in Panama Canal bonds, under the act of June 28, 1902, and \$100,000,000 in three per cent. certificates of indebtedness, under the act of June 28, 1902, and \$100,000,000 in three per cent. certificates of indebtedness, under the act of June 13, 1906. One of the direct effects of these issues was to afford the banks the means of increasing their circulation.

Wanted to Avoid Bank Withdrawals.

"After careful analysis of the situation received, the conclusion was reached by the department that if bids were awarded to individuals in large sums it would have a tendency to cause still further withdrawals of money from the savings banks, which usually carry relatively small reserves in currency, and in case of heavy demands upon them would have been compelled to draw upon national banks and trust companies. It was, therefore, decided in the case of the Panama bonds to make no awards to individuals in excess of \$10,000. It was also decided to accept the highest bids of national bankers for the remainder of the issue after these minimum allotments to individuals.

"The total bids for the Panama Canal bonds amounted to \$2,220,604,580, or more than 44 times the amount offered. This fact, not heretofore made public, would have stamped the loan as a more remarkable success than it was. If all the bids could have been taken as made in good faith, by responsible parties, Examination of the bids show, however, that many of them were not only speculative in character, but that they were made in many cases for very large amounts by those who were personally irresponsible and incapable of having made even the smallest preliminary payment, if such payment had been required. When the awards were made, therefore, the bonds were awarded without hesitation to national banks in those cases where the prices offered were 102½ or higher, and where the bid appeared in other respects to be made in good faith and with full capacity on the part of the bidder to execute his contract. The amount thus awarded to national banks was \$21,298,010.

Found Negro's Feet on the Track.

LYNCHBURG, VA., Jan. 29.—An unknown negro was killed by a Chesapeake & Ohio freight here last night and his body knocked into the canal. The man's feet were cut off and were found lying on the track. The canal is being dragged for the body, but it had not been recovered at noon.